

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 18, 1948

10:45 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present : Councilmen Glass, Johnson, Long, Mayor Miller - 4

Absent : Councilman Bartholomew - 1

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Robert L. Burns, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

James O. Hopkins, 1911 University Avenue, came before the Council and submitted an application in writing for a 10-year contract to place advertisements on parking meters. At the request of applicant, action on the matter was deferred to the next regular meeting.

Pursuant to published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance in Section 7 thereof so as to add to the list of uses in "C-1" Commercial District a fourth use as follows:

- "4. The sale, storage, dispensing, or otherwise handling of malt and vinous beverages not to exceed an alcoholic content of fourteen (14%) per cent by volume in bottles or other lawful containers for off-site consumption only"

was duly opened.

Bert Ford, Attorney for V. G. Okie, plead for the change on the grounds that it would be in conformity with the purpose of the Texas Liquor Control Act, and would enable his client's lessee to sell beer in his grocery store in unbroken packages for off-site consumption.

Mrs. Lawrence Stevenson, representing the Council of Churches, opposed the change on the grounds that it would permit the sale of beer in grocery stores, which are frequented by children.

Following considerable discussion, the Mayor laid before the Council the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE City Council APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY AMENDING SECTION 7, "C-1" COMMERCIAL DISTRICT, SO AS TO ADD A NEW PARAGRAPH NUMBERED 4; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The Mayor ordered a roll call on the placing of the ordinance on its first reading, those in favor, voting "aye", those opposed, "no". The vote was as follows:

Ayes : None

Noes : Councilmen Glass, Johnson, Long, Mayor Miller

Absent: Councilman Bartholomew

The Mayor then moved that the City Manager and the City Attorney be instructed to make a study of the Zoning Ordinance relative to the preparation of certain amendments, particularly one making "C-1" Commercial Districts and "C-2" Commercial Districts strictly for beer and liquor and eliminating therefrom the Cat and Dog Hospital Use; and that a public hearing on the matter be called for December 16, and the matter referred to the Board of Adjustment in the meantime for their consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Mrs. Katherine E. Paysinger came before the Council and requested that some action be taken on the petition of property owners heretofore filed asking for the opening of 8th Street and Hearn Street. She was advised that the City was ready to carry out its agreement to buy right-of-way for the opening of 8th Street whenever property owners, Rex Kitchens, Harry Pruett, and Pat Adelman, were ready to carry out their agreement to furnish their part of said right-of-way.

Mrs. Paysinger further requested that Hearn Street north of 8th Street be opened; and the Director of Public Works was instructed to contact the property owners with reference to the necessary right-of-way.

W. H. Pitts came before the Council and complained that the lack of storm sewer facilities to carry off the waste water from his ice plant at 1621 East 1st Street was resulting in a nuisance and a health menace, declaring that three years ago the City agreed to pave Chalmers Street provided the property owners would put up their share of the cost; that this was done and it then developed that the paving would have to be delayed until a storm sewer could be built and by the time the appropriation for the storm sewer was made, the City's rate for paving had increased and the property owners were unable to pay the additional cost, and, therefore, nothing had been done.

The matter was taken under advisement to see what relief could be given, and the City Manager and the Director of Public Works were instructed to bring in a report to the Council showing what the difference in cost between the old and new rate for paving of Chalmers Street would be, with Mr. Pitts paying 10% of the cost of the storm sewer.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: E. H. Smart, Attorney for H. Yerger.

I. Referred to the Board by the City Council on : October 25, 1948

II. Property affected:

South 68 feet of Lot 8, Block 118, Original City, being located on the east side of Red River Street between 10th and 11th Streets and locally known as 1011, 1013, 1015, and 1017 Red River Street.

III. To be changed

From : "C" Commercial District and Second Height and Area District

To : "C-1" Commercial District and Second Height and Area District

IV. Considered by the Board on : November 9, 1948

V. Parties appearing:

For : E. H. Smartt

Against: None

VI. Action of the Board: Change not recommended for this property but recommendation made to change all of the "C" Commercial District in the half blocks fronting on Red River Street to "C-1" Commercial District.

For the following reasons:

1. This application is for a change of zoning on a single parcel of land in the north half of the block so as to permit the sale of beer in a restaurant.
2. An examination of the zoning in this area shows that the property fronting on Red River Street south of 10th Street is zoned "C-2" Commercial and that north of 11th Street is zoned "C-1" Commercial District, leaving this one block zoned "C" Commercial.
3. On March 5, 1946, the Board of Adjustment had recommended to the City Council that this block be included in the change of that property north of 11th Street but this was not done by the

City Council.

4. The Board deems that no change should be made on this one tract of land as requested in the application but that the property fronting on Red River Street on both sides of the street between 10th and 11th Streets should be included and so recommends to the City Council that the property be changed to "C-1" Commercial.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above change in zoning be called for December 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of Edwin M. Dezendorf and S. C. Bilbrough for a change in zoning, from "A" Residence District to "C" Commercial District, of the southeast corner of Manor Road and Maple Avenue, fronting 244 feet on Manor Road, being the 2400 block of Manor Road, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation, and a public hearing on same be called for December 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of Eulalia Sanchez for change in zoning, from "C" Commercial District to "C-1" Commercial District, of property located at 1811 East 1st Street was received. Councilman Glass moved that that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of Dudley P. Prade for change in zoning, from "A" Residence District to "B" Residence District, of property located in the 3400 block of Bonnie Road, south side, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute for and on behalf of the City of Austin a warranty deed to First Southern Presbyterian Church of Austin, Texas, conveying to said Church

2.00 acres out of and a part of a certain 100-acre tract of land lying partly in the Thomas Hawkins Survey and partly in the J. C. Harrelson Survey in the City of Austin, Texas, all in accordance with the covenants and restrictions set forth in that certain warranty deed, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of deed attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation situated in the County of Travis, State of Texas, acting by and through its City Manager, Guiton Morgan, duly authorized by the City Council of said City by resolution duly passed, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, cash to it in hand paid by the First Southern Presbyterian Church of Austin, Texas, receipt of which is hereby acknowledged and no lien expressed or implied is being retained, have sold, granted, and conveyed, and by these presents do sell, grant and convey unto the said First Southern Presbyterian Church of Austin, all that certain lot, tract, or parcel of land, being 2.00 acres out of and a part of that certain 100-acre tract of land lying partly in the Thomas Hawkins Survey and partly in the J. C. Harrelson Survey in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin, Texas, by warranty deed dated February 28, 1941, of record in Volume 668, at pages 396-397, of the Deed Records of Travis County, Texas, said 2.00 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set on the east line of Wilshire Boulevard for the northwest corner of the tract herein conveyed, and from which iron stake another iron stake on the said east line of Wilshire Boulevard and on the point of tangency of a curve having an intersection angle of $79^{\circ}37'$, a tangent distance of 275.03 feet, and a radius of 330.00 feet bears N. $30^{\circ}07'$ E. 5.56 feet;

THENCE S. $60^{\circ}07'$ E. 448.10 feet to a square steel rod set for corner;

THENCE S. $29^{\circ}55'$ W. 200.00 feet to a square steel rod set in the north line of Schieffer Avenue;

THENCE with the north line of Schieffer Avenue, N. $60^{\circ}08'$ W. 377.87 feet to an iron stake on the point of curvature of a curve having an intersection angle of $50^{\circ}36'$, a tangent distance of 14.18 feet and a radius of 30.00 feet;

THENCE following said curving line to the right an arc distance of 26.49 feet, the long chord of which arc bears N. $34^{\circ}50'$ W. 25.64 feet to an iron stake on the east line of Cherrywood Road and on the point of compound curvature between the aforementioned curve and a curve having an intersection angle of $39^{\circ}39'$, a tangent distance of 74.77 feet and a radius of 207.40 feet;

THENCE following said curving east line of Cherrywood Road to the right an arc distance of 143.53 feet, the long chord of which arc bears N. $10^{\circ}18'$ E. 140.68 feet to an iron stake on the point of tangency of said curve on the east line of Wilshire Boulevard;

THENCE with the east line of Wilshire Boulevard, W. $30^{\circ}07'$ E. 56.62 feet to the point of beginning.

TO HAVE AND TO HOLD the above described tract of land, together with all and singular the rights and appurtenances thereunto belonging unto the said First Southern Presbyterian Church of Austin, Texas, its successors and assigns forever, and the City of Austin does hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the said First Southern Presbyterian Church of Austin, Texas, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The above described lot, tract or parcel of land is conveyed subject to the following covenants and restrictions, to-wit:

1. That said property shall be used for church purposes only, and if said property is sold by said church or transferred by said church for any purpose other than a church purpose before the year 1978, the said City of Austin shall have the right and power to repurchase said property for the original consideration of \$2,500.00, including all improvements thereon. It is understood that church purposes would include any use which said church or any other church may make of said property so long as said use is under the direct supervision and operation of the church and is for a religious or charitable purpose.

2. No building shall be placed on said property which has a greater height than fifty feet from the highest natural present ground level.

These restrictions shall be a covenant running with the land hereby conveyed and in the event of a breach thereof the same may be enforced by the City of Austin, its successors or assigns, by injunction or other legal or equitable remedy in any court of competent jurisdiction, but said restrictions are hereby subordinated and abrogated in favor of any lien holder or mortgage holder, and in case of a foreclosure proceeding, either under a deed of trust or any other instrument or through court action, said restriction limiting the use of said property for church purposes only shall not apply, and the holder of said title acquired through said foreclosure proceeding shall only be subject to the height restriction set forth herein, and said restriction limiting the use of said property for church purposes only shall be automatically abrogated.

WITNESS the hand of the City of Austin by Guiton Morgan, City Manager, duly authorized by the City Council of said City by resolution duly passed, and attested by the City Clerk, and with the seal of the City of Austin affixed, this the ____ day of November, 1948.

CITY OF AUSTIN

By _____
Guiton Morgan
City Manager

Attest:

Hallie McKellar
City Clerk

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

<u>Owner</u>	<u>Description</u>
Sundstrom, R.W., 302 West 15th Street -	Higgins, Outboard, 1946 Model, Johnson, 4-passenger

Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in ROSEDALE AVENUE from a point 114 feet north of West 47th Street northerly 84 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said Rosedale Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in GAULT STREET from Taulbee Lane southerly 289 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Gault Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in CHESTERFIELD AVENUE from Nelray Boulevard to West 55th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Chesterfield Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in WEST 55TH STREET from Chesterfield Avenue westerly 270 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said West 55th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in WINSTED LANE from a point 6 feet north of Windsor Road northerly 160 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Winsted Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in RALEIGH AVENUE from a point 12 feet south of Meredith Street southerly 87 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Raleigh Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in MEREDITH STREET from a point 219 feet west of Pecos Street westerly 103 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Meredith Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in BOWLING GREEN DRIVE from a point 266 feet south of Shamrock Avenue southerly 100 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Bowling Green Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in EAST 8TH STREET from a point 43 feet west of Prospect Avenue easterly 453 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said East 8th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in LAMAR BOULEVARD from a point 178 feet north of Butler Road northerly 360 feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of and parallel to the east property line of said Lamar Boulevard.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in WEST 49TH STREET from Sinclair Avenue westerly 81 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said West 49th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the tax roll for the year 1947 carries an assessment of \$2110 against improvements on Lot 16, less north 5' of Block 1, Outlot 30, Division "C", Upland, Plat 239, Item 16, in the name of Grafton C. Kille; and

WHEREAS, the fact has been substantiated that there were no improvements on said property as of January 1, 1947, the date of the levy; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said assessment of \$2110 for improvements on the beforementioned property be removed from the tax roll for the year 1947, and the City Tax Assessor and Collector is hereby directed to remove said assessment for the year 1947.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
 Noes : None
 Absent: Councilman Bartholomew

The City Manager submitted the following memorandum:

"November 17, 1948

MEMORANDUM to : Gulton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

Fifty-nine bids were received Tuesday, November 16, for the purchase of eleven houses on East Avenue and one house on Lamar Boulevard. The high bids were as follows:

ITEM #1.	1966 East Avenue, W. B. Ransom -----	\$2,895.95
ITEM #2.	2312 East Avenue, Tom Attal -----	1,787.98
ITEM #3.	2706 East Avenue, H. D. Ainsworth -----	235.00
ITEM #4.	2802 East Avenue, Charles D. Madison -----	565.00
ITEM #5.	3000 East Avenue, W. B. Ransom -----	2,798.95
ITEM #6.	3004 East Avenue, Fred Eby, Jr. -----	1,051.00
ITEM #7.	3504 East Avenue, Edwin L. Gill -----	3,333.00
ITEM #8.	4816 East Avenue, Albert Dearing -----	4,001.50
ITEM #9.	4820 East Avenue, C. Evett Jackson -----	3,011.15
ITEM #10.	1002 East 24th Street, Tom Attal -----	585.76
ITEM #11.	1025 East 51st Street, Max Bachofen -----	150.00
ITEM #12.	911 West 38th Street, Fred Eby, Jr. -----	951.00

Your attention is called to the fact that a personal check rather than a cashier's or certified check accompanied the bid of Charles D. Madison on Item #4; whereas, the proposal provided for a certified or cashier's check.

It is recommended that houses be sold to the high bidder for Item #1, W.B.Ransom, \$2,895.95; Item #2, Tom Attal, \$1,787.98; Item #4, Charles D. Madison, \$565.00; Item #5, W. B. Ransom, \$2,798.95; Item #6, Fred Eby, Jr., \$1,051.00; Item #7, Edwin L. Gill, \$3,333.00; Item #8, Albert Dearing, \$4,001.50; Item #9, C. Evett Jackson, \$3,011.15; Item #11, Max Bachofen, \$150.00; Item #12, Fred Eby, Jr., \$951.00.

It is recommended that Item #3 and Item #10 be readvertised. We feel that they will bring better prices than those received. Attached is a complete tabulation of the bids received and a proposal sheet with a description of each of the houses.

Councilman Long moved, seconded by Councilman Johnson, that the recommendations of the City Manager that all twelve houses be sold be approved, and he be authorized to accept the high bids for same. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; ARTICLES 22(f) AND 26(a) OF ARTICLE IV RELATING RESPECTIVELY TO TWO HOUR PARKING LOCATIONS AND ANGLE PARKING LOCATIONS; AND SECTION 34(b) OF ARTICLE V RELATING TO ONE-WAY STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The Mayor announced that the ordinance had been finally passed.

The City Manager reported that there were two applicants for the position of Second Assistant Clerk of the Corporation Court. Councilman Glass moved

that the City Manager be instructed to interview both applicants, employ the one best suited for the position, and the Council would ratify the appointment later. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of J. B. LANKFORD, 4617 Ramsey Street, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1947 Model, Style No. 471519, Motor No. EAA-157022, State License No. JD-2147, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of CHARLES E. LEE, Colored, 1611 Ulit Avenue, for a license to operate as a taxicab, a 4-door Plymouth Sedan, 1947 Model, Motor No. F15-296347, State License No. EM-2142, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of LAWRENCE EDWARD MULLINS, 1911 West 7th Street, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, Motor No. EAM-177408, State License No. JV-6760, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of CHARLES CLARK, 1614 Willow Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the application be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of WELDON LEE DUKE, 3903 South 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the application be approved. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller,

Noes : None

Absent: Councilman Bartholomew

The application of ROBIN GRAY FORRESTER, 107 East 31st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the application be approved. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of PAUL RENICK, 209 East 15th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of NATHANIEL M. SCHEUMACK, 2205 Willow Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of ELLIS HUBERT THORP, 4003 Avenue A, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The appeal of TALLEY B. TAYLOR, 312 Bowie Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Glass that appellant be granted a 90-days probationary permit, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The appeal of ENOCH SYLVESTER HINTON, 3202 San Gabriel Street, on his application for a taxicab driver's permit, recommended for denial, was heard. Councilman Glass moved that in consideration of the facts in the case, the appellant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The appeal of J. C. TOWNSEND, 1508 Canterbury Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Glass that appellant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of LONGHORN TAVERN, by Robert Fowler and W.H. Filiere, 3510 Guadalupe Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of MOSS ROSE CAFE, by J. B. Woodland, 714 Bradford Alley, for a retailer's "on-premise" beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of OPAL'S CAFE, by J. D. and Opal Hibler, 723 East 6th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: P. S. Mangum

- I. Referred to the Board by the City Council on : November 4, 1948.
- II. Property affected: Lots 11, 12, 13, 14, 15, and 16, Forest Hills "B", being located at the northeast corner of Manor Road and Cherrywood Road and known as 2300 Manor Road.
- III. To be changed:

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District
- IV. Considered by the Board on : November 16, 1948.
- V. Parties appearing:

For : P. S. Mangum

Against: None
- VI. Action of the Board: Change recommended

For the following reasons:

1. This application is for a change of zoning on six lots at the northeast corner of Manor Road and Cherrywood Road for the

purpose of developing a community center.

2. The property on Manor Road west of Cherrywood Road is now zoned commercial, but the applicant affirms that the lots in this zone are restricted by deed against commercial development and that he now proposes to establish the community center in a new subdivision to serve this entire area north of Manor Road.
3. An examination of this section north of Manor Road shows that the property is developed with numerous residences which would be served.
4. The Board deemed that there is a need for this type of use at this location and that the change should be made since existing commercial property north of Manor Road is restricted against business and therefore recommends this change.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the above change in zoning be called for December 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Mrs. Agnes Kreuz.

I. Referred to the Board by the City Council on : August 12, 1948

II. Property affected:

West 100' of Lot J of Original Lot 5, Unplatted, Outlot 23, Division "C", being located at the southwest corner of East Avenue and East 32nd Street and locally known as 3106 East Avenue.

III. To be changed

From : "B" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

IV. Considered by the Board on : August 24, 1948, and November 9, 1948.

V. Parties appearing:

For : Marvin Kreuz

Against: None

VI. Action of the Board: Change recommended

For the following reasons:

1. When presenting his application for this change, the applicant also submitted a copy of a sales agreement made by and between representatives acting in full accord with the City which contained an agreement to change this property to a commercial district to effect a reduction in the cost of the property to the City.
2. The Board deemed that under these circumstances no other course is open but to assent to this change since it is a condition of the contract between the property owner and the City.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above change in zoning be called for December 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Wright Stubbs, Attorney for Capitol Lodge No. 23, I.O.O.F.

I. Referred to the Board by the City Council on : October 28, 1948

II. Property affected:

East 100 feet of Lots 5 and 6, Outlot 44, Division "B", being located at the southwest corner of Congress Avenue and East 18th Street and locally known as 1712 Congress Avenue.

III. To be changed:

From : "B" Residence District and Third Height and Area District

To : "C" Commercial District and Third Height and Area District

IV. Considered by the Board on : November 9, 1948.

V. Parties appearing:

For : Wright Stubbs and J. C. Barnes, and J.T. Smith offered no objection.

Against: Mrs. F. M. Priest, Mrs. Louis Tittle, Roy L. Thomas for Mrs. Beaver, Misses Frances and Beulah Beaver, and Mrs. Addie C. Sanders for John S. Ward.

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This request for a change in zoning is made to permit the operation of commercial uses on the property in addition to a lodge building, which is now permitted under the present classification.
2. Two appeals have recently been filed for the erection of an addition to the rear of the present building so that the existing non-conforming cleaning and pressing shop might be removed entirely to the rear to permit occupancy of the front building for lodge uses, both of which appeals have been denied by the Board of Adjustment.
3. The present occupancy of the building was established prior to the passage of the Zoning Ordinance and can be continued indefinitely in its present status but may not be enlarged under the terms of the Zoning Ordinance since it is located in a residence district.
4. Strong opposition has been expressed by other property owners in the block at each hearing before the Board on both appeals and application for a zoning change on the grounds that this is a residence district and developed for that purpose and that the present business is objectionable and would be more so if permitted to move nearer the residence on the west.
5. The property is located within one block of the commercial area along 19th Street, a large portion of which has not yet been developed for that purpose, and is also near the commercial districts along Lavaca Street and San Jacinto Boulevard.
6. The Board deemed that this change should not be made to permit one small commercial area in a definitely established residential block, that the development on the property is suitable for occupancy by the Lodge as permitted in this district, that the operator of the cleaning and pressing establishment would not be caused unnecessary hardship since he does not own the property and can secure a location in a proper district, and because of the available commercial property in the existing nearby commercial districts.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the above change in zoning be called for December 9, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The meeting was then recessed, subject to call of the Mayor.

Attest:

Walter M. Keen
CITY CLERK

Approved:

Tom Miller
MAYOR